



## John C. Rothermich

### Partner

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### OVERVIEW

John Rothermich has represented clients in a wide range of complex commercial litigation and government investigations, with a particular focus on the defense of False Claims Act lawsuits and investigations, fraud claims, trade secrets litigation, and tax-related litigation in the health care, transportation and financial services industries. Additionally, John has obtained favorable settlements for employers in discrimination suits.

John has a varied pro bono practice, including work with the Oregon chapter of the American Civil Liberties Union, the Oregon Legal Aid Society's Domestic Violence Project, and the local federal court pro bono panel.

John is committed to obtaining the best possible result for his clients in a compassionate, efficient, and strategic manner.

### PROFESSIONAL BACKGROUND

Since joining the firm, John led a trial team that obtained a complete defense jury verdict for a financial services software company in trade secrets litigation and has represented a professional services provider in connection with an investigation by the Oregon Attorney General's Office. Prior to joining the firm, John was an attorney at a Pacific Northwest-based national law firm, where recent cases included defense of a transportation services provider in a multi-million dollar False Claims Act suit, representation of health care services providers in fraud investigations by the Office of the Inspector General (OIG) and U.S. Department of Justice (DOJ), and a property tax appeal to the Oregon Supreme Court, as well as assistance in resolving shareholder disputes, complex contract claims, real estate disputes, and employment discrimination claims.

### ACHIEVEMENTS

- *Daily Journal of Commerce* "Up And Coming Lawyer" (2010)
- Legal Aid Society of New York, Award for Outstanding Pro Bono Service (2005)

## PROFESSIONAL / CIVIC ACTIVITIES

- Board Member and Past Board President, Outside In (Federally Qualified Health Center serving homeless youth and other marginalized populations)
- Executive Committee Member, Health Law Section, Oregon State Bar (2020 - present)
- Former Chair, Antitrust and Trade Regulation Section, Oregon State Bar (2015)
- Executive Committee Member, Securities Regulation Section, Oregon State Bar (2013 - 2014)
- Member, Federal Bar Association (2008 - present)
- Barrister, Owen M. Panner American Inn of the Court (2009 - 2014)

## SPEAKING ENGAGEMENTS

- “Whistleblower Claims Against Health Care Businesses: Qui Tam Lawsuits Under the False Claims Act and Best Defenses,” October 2017, Oregon State Bar Health Law Section Annual Meeting
- “2015 Antitrust Developments of Interest to Oregon Practitioners,” November 2015, Oregon State Bar Antitrust and Trade Regulation Section Meeting

## ADDITIONAL BACKGROUND

John clerked for the Honorable Alvin K. Hellerstein in the United States District Court for the Southern District of New York and for the Honorable Maryanne Trump Barry in the United States Court of Appeals for the Third Circuit.

## EDUCATION

- J.D., Fordham University School of Law, 2000 (*magna cum laude*)
- A.B., Brown University, 1995

## ADMISSIONS

- Bar of New York
- Bar of Oregon
- Bar of Washington
- United States District Court for the District of Oregon
- United States District Court for the Southern District of New York

## THOUGHT LEADERSHIP POWERED BY HUB

- 20 November 2020, COVID-19: CARES Act Provider Relief Fund Compliance and Potential FCA Enforcement (*Podcast*)
- November 2020, 4th Annual Energy Storage Conference: Virtual Edition (*Webinar*)
- 16 November 2020, Energy Storage Handbook Vol. 6 (*Alerts/Updates*)
- 3 November 2020, Qui Tam Quarterly (*Alerts/Updates*)
- 21 May 2020, COVID-19: A Virtual Discussion on Litigating Force Majeure (*Webinar*)
- 8 July 2019, Qui Tam Quarterly (*Alerts/Updates*)
- 29 May 2018, The Oregon Legislature Strengthens Data Breach Laws, Adding Tougher Notification and Safeguarding Requirements (*Alerts/Updates*)

## NEWS & EVENTS

- 30 April 2018, K&L Gates Adds Commercial Litigation Partner in Portland (*Press Release*)

## AREAS OF FOCUS

- Complex Commercial Litigation and Disputes
- Federal, State, and Local False Claims Act
- Financial Institutions and Services Litigation
- Health Care and FDA
- Health Care Fraud and Abuse (U.S.)
- Investigations, Enforcement, and White Collar
- Securities and Transactional Litigation
- U.S. National Security Law and Policy

## REPRESENTATIVE EXPERIENCE

- Obtained a favorable summary judgment ruling in federal court for a Texas private equity firm on a contract dispute reducing the plaintiff's claimed damages from millions to less than \$200,000, leading to a favorable settlement.
- Represented clients in several real estate and land use cases, including obtaining a favorable jury verdict in a purchase contract dispute after the jury deliberated only 10 minutes.

- Represented individuals and companies in the transportation and logistics industry in criminal investigations by the Antitrust Division of the U.S. Department of Justice.
- Represented several clients in disputes with the Oregon Department of Revenue involving interpretation of income and property tax statutes, including appeals to the Oregon Court of Appeals and the Oregon Supreme Court.
- Represented banks and investment advisors in defense of fraud and negligence claims.
- Obtained a favorable settlement for the Federal Deposit Insurance Corporation in complex professional liability claims against former officers and directors of a failed bank.
- Other healthcare work has included the successful litigation of certificate of need issues for diagnostic imaging providers in Alaska, representation of physicians in business disputes, and representation of health insurers in cases involving policy interpretation and coverage issues.
- Represented a transportation company in defense of claims asserted by the United States Department of Justice and whistleblower employees under the False Claims Act seeking over \$200 million in damages and statutory penalties. On the eve of trial, we obtained summary judgment for the client resulting in dismissal of the majority of the government's claims and a favorable settlement.
- Served as co-counsel for the State of Oregon and the Oregon Health Authority in connection with their claims under the Oregon False Claims Act and other litigation against Oracle related to Oregon's health insurance exchange website.
- Successfully represented an anesthesiologist group practice in arbitration to successfully recover records from its former billing company
- Led the trial team that obtained a complete defense jury verdict in a multi-million dollar trade secrets case in federal court for a financial software services company and represented another client in a cross-border trade secrets claim involving industrial machinery.
- Represented physicians and laboratories in connection with health care fraud investigations by the DOJ and the OIG.